# CANADIAN MOVING PICTURE DIGEST

Vol. 23, No. 46 TORONTO 2, CANADA March 12th, 1932

## NO MATTER WHICH SIDE WINS—

*they leave it to Leo's Hearst Metrotone News to rush you the hot news of the scrap!*

**NOT ONLY** does HEARST METROTONE NEWS bring your public amazing, up-to-the-minute pictures from China (with many SPECIALS at no extra cost) **BUT,** in addition, THE VOICE of the GLOBE TROTTER tells them the dramatic story! There are lots of newsreel pictures from the East—but none so complete and none to equal the presentation given in Hearst Metrotone News.

## METRO-GOLDWYN-MAYER

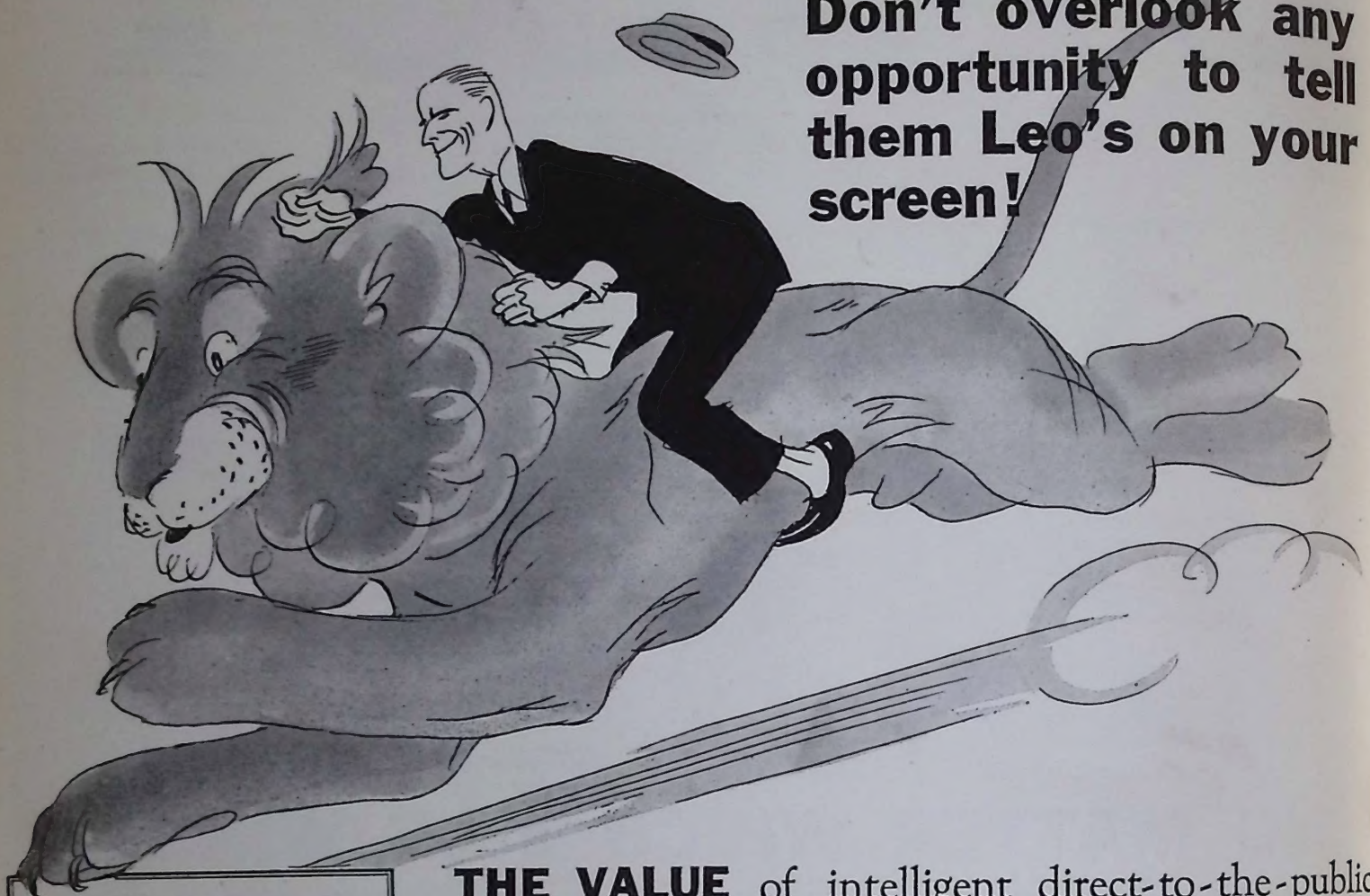


PUBLISHED BY

CANADIAN MOVING PICTURE DIGEST COMPANY LIMITED

259 SPADINA AVENUE, TORONTO 2

# "RIDE HIM BOYS"



**Don't overlook any opportunity to tell them Leo's on your screen!**

**EXHIBITORS are increasing their AD BUDGETS for these M-G-M HITS!**

MARIE DRESSLER
in "Emma"

WALLACE BEERY
CLARK GABLE
in "Hell Divers"

GARBO
RAMON NOVARRO
in "Mata Hari"

WALLACE BEERY
JACKIE COOPER
in "The Champ"

**AND FOR THESE M-G-M HITS TO COME!**

JOHN BARRYMORE
LIONEL BARRYMORE
in "Arsene Lupin"

TARZAN, the APE MAN
(The new Trader Horn)

THE WET PARADE
(Another M-G-M scoop!)

JOAN CRAWFORD
in "Letty Lynton"

JACKIE COOPER
in "Limpy"

AND OF COURSE
GARBO, JOHN BARRYMORE, JOAN CRAWFORD, WALLACE BEERY, LIONEL BARRYMORE
in "GRAND HOTEL"

**THE VALUE** of intelligent direct-to-the-public advertising has never been better demonstrated than *now!*

*The unceasing flow of great M-G-M product has stimulated showmen to* **BETTER SELLING!**

**ADVERTISING APPROPRIATIONS** have been increased to let the public know about the splendid M-G-M entertainments.

*And you will note that theatres everywhere display the "M-G-M" symbol in ads and housefront.* **IT MEANS BUSINESS!**

**M-G-M** is extending every promotional cooperation in the way of ads, mats, etc. **ASK US!**

**Allied is Backing Brookhart Remedy Bill**

# Canadian Moving Picture DIGEST

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RAY LEWIS
**Editor and Managing Director**

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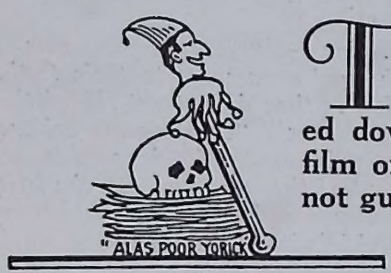
## *"Travesty of Justice"*




THAT is what a member of one of the indicted firms called the finding in the Film Combine Prosecution. Mr. Justice Garrow on Monday, March 7, handed down his judgment in Assizes and found that the fifteen film organizations, and others named in the indictment, were not guilty of forming a Combine, or conspiracy to restrict the Moving Picture Industry in Ontario. His Lordship held that the evidence failed to substantiate the charges!

Exhibitors and others who attended the prosecution proceedings, could have foretold the verdict, just as it was handed down by Mr. Justice Garrow, several week ago.

The prosecution had as its two star witnesses for the Crown, Mr. Arthur Cohen, Managing Director of Famous Players Canadian, and Col. John Cooper, President of the Motion Picture Distributors and Exhibitors of Canada.

Why Cohen and Cooper were chosen as Crown Witnesses, only the Crown can possibly know, since both these gentlemen are in the employ of their respective companies!

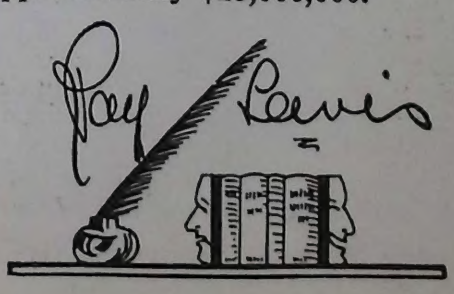
Why Mr. N. L. Nathanson and Messrs. Bloom and Fine were chosen as those specially mentioned in the indictment, and Messrs. Cohen and Cooper delivered from prosecution to be Crown Witnesses, is another cross-word puzzle, for the exhibitors to make out.

It is a pity that so much time and money was wasted on a prosecution which was so weakly presented! How much did the prosecution know about Motion Pictures when it arranged the order of the indictment and arrayed its witnesses?

What did the prosecution know about Motion Pictures? We conclude not very much, we assert very little, for a Crown Witness gave evidence that he had only heard of one exhibitor who objected to the Standard Exhibition Contract, and another star witness informed the Crown that Chas. J. Pettijohn was a Superintendent, these statements and others were not challenged by the Crown!

The Investigation of the Motion Picture Industry by Mr. Peter White, K.C., as his Report bears witness, discovered a Combine, but this Investigation appeared to take a wrong turning at the start. What it should have concentrated upon was the absorption of Famous Players Canadian by Paramount-Publix. An inspection and a publicizing of "the control," which put through that infamous deal, which has cost the Canadian shareholders approximately $23,000,000.

Having shown the "control" and the "power" exercised therein, a "power" which treated as "a scrap of paper" the Trust Agreement, and other public sales talk, and pledges, it would have cleared up the other angles which are as blood-suckers, sapping the Independence of the Film Industry.



# RAY

RAY LEWIS

# PRESENTS

WHAT are we to do now? ask exhibitors! "Do," replies The Digest, "as exhibitors are doing in the United States, write your Member of Parliament, write your Ministers with and without portfolio, write the Mayor of your city or town, your Aldermen, write your Premiers, yes, even the Prime Minister of Canada, if you find that you are being illegally restrained from the liberty of doing business.

*Col. John Cooper told The Digest, when the Investigation opened, that the Investigation would cost Cooper's organization, he said "us," ten thousand dollars in the next two weeks, and said the Colonel, "we are going to take it out of your paper's advertising."*

*Mr. Adolph Zukor, in an interview last September said to Ray Lewis, when she asked him to sell the Famous Players Canadian Corp. back to Canadian control, and to give British pictures bookings in Famous Players Canadian theatres, "I have advised all distributors to refrain from advertising in your paper, I am trying to get Mr. Nicholas Schenck to take out his advertising. For what you have done to me, I could crucify you upon a cross and laugh as the blood poured from your wounds."*

IS THIS Restraint of Trade? Are these threats, intimidation, conspiracy? We will yet test out the Justice of British Justice.

The Government and the Independents of Canada are watching Paramount-Publix Famous Players Canadian. Our experience in Canada of delivering Independents from Combine control, is no different than the experience which other Independents have had in other parts of the American continent, and in other parts of the British Empire. But since there are "more ways than one" through which there can be deliverance, the Independents need not feel discouraged by what has occurred.

The Public has received a Motion Picture education which has taught it many things, incidentally the struggle for film independence and the value of national screen control.

The Government too, has had a Film education, which gives the Government a much better idea what this Film Industry is, than it has ever been aware of previously.

If the distributors in Canada are fools enough, for some ready cash, to sell their birthright, theirs will be the loss, but to you Independent Exhibitors we say, stand for your rights, try your own Courts of Justice, where you have some power, and where your petition for justice will be listened to with respect.

*All your troubles are being aired throughout the United States. The Film Industry's Irritations are certainly coming to a head there; and the benefits won there, will react to your benefit here!*

*The producer-distributors can arm themselves with legal arguments to their teeth, they will find that if they do not get rid of their so-called "protection," "compulsory arbitration," and their pandering to Combine Monopoly, to the detriment of the Independents, the latter will do what Samson did, even though he was imprisoned and blinded, he will pull the whole Motion Picture Edifice down, and be satisfied to perish in its destruction.*

THE EXHIBITOR has an editorial headed "Let The Distributor Think," the trade press is headlining various exhibitors protests through Exhibitors' organizations.

We note that several civic organizations in cities in Wisconsin "have expressed a desire to prepare evidence to be submitted in connection with the hearings on the complaint that Wisconsin Circuit Theatres and Milwaukee Exchanges are guilty of conspiracy, coercion and discrimination, in connection with protection." The date for the first hearing in Milwaukee has been arranged for March 22nd.

The Department of Agriculture and Markets reports that the Oconto Chamber of Commerce, and the Neenah and Menasha Civic organizations wish to participate in the hearings and present evidence in support of the complaint.

*Canadian Exhibitors can interest their Chambers of Commerce and Trade, other organizations, stopping "unfair trade practices" and Monopoly, if exhibitors will get as excited about such protection as they do about joining up in deputations for the elimination of Amusement Tax, or its reduction, which is 90% for the good of the Combine Chain!*

WHENEVER Famous Players' revenue is threatened, it rallies through various channels, the Independent exhibitors for co-operation, but having so used the Independents, what consideration do these Independents get, when Famous Players decides it must control a zone, or Canada for that matter?

**Vancouver British Film Quota Bill Passed Second Reading Legislature, Victoria**

## Toronto Theatres

LOEW'S—Manager Jules Bernstein — A Metro-Goldwyn-Mayer production, "Lovers Courageous," with Robert Montgomery and Madge Evans. Robert Montgomery is portrayed as the adventuresome son of a stern father and forgiving mother. After many adventures he finally ends up in South Africa, as a salesman in a tobacco shop. He meets Madge Evans, daughter of a British Admiral, and they fall in love. When her parents learn of this, they return to England, trying to break up the romance. But they are frustrated in their design when Robert also goes to England. Madge jilts the nobleman she was to marry, and instead marries Robert. But he is not able to support her, and is forced to have her return to her father, on the understanding that he will neither see nor speak to her. But at last success crowns his hard earned efforts, and he is the author of a very successful play. Madge and Robert are reunited. Directed by Robert Z. Leonard.

UPTOWN—Manager Tom Daley — A Paramount production, "Shanghai Express," with Marlene Dietrich and Clive Brook, supported by Anna May Wong, Warner Oland, and Eugene Pallette. It is directed by Josef Von Sternberg, from the story by Harry Hervey.

TIVOLI—Manager James Lynch — "The Man Who Play God," with George Arliss and Violet Heming. The story of a musician who lost his hearing, and unable to play any longer, contented himself by helping others. A Warner picture, directed by John Adolphi.

IMPERIAL—Manager H. V. Knevels — "Tomorrow and Tomorrow," with Ruth Chatterton, Robert Ames, Paul Lukas and Harold Minjir. Ruth Chatterton in the role of a woman who loves two men, and Paul Lukas, one of the men she loves. A Paramount picture, directed by Richard Wallace.

SHEA'S—Manager Jerry Shea — A First National picture, "The Woman From Monte Carlo," with Lil Dagover, Walter Huston, Warren William, and John Wray. Directed by Michael Curtiz.

## Look Here for Taxes

Paramount-Publix - Famous Players has everything its own way to make big profits. If the Government is looking for taxes let it look here, most of the shares are American controlled, and such a tax could not react to the disadvantage of Canadians.

Let the Government grade its tax, in accordance with the aggregate seating capacity, which would impose the tax on the big fellow, well able to pay, and protect the smaller exhibitor and his patronage, from a tax, which neither can afford to carry.

When such a tax is proposed, let the small exhibitor stay home and mind his own Show Business, refusing to be used as "Minnow Bait" by the "dominant theatre chain," for its exclusive benefit and exclusion.

For instance if the Government placed its heaviest tax upon theatres with a seating capacity of 1,500 and over, it would be a tax imposed where it could be supported, without any hardship upon the taxed theatre. And to still further make this taxation the burden of the Rich Man only, the tax could be made lighter for one 1,500 seat house than for a group of these theatres with a seating capacity of 1,500 and over, belonging to one chain or affiliation.

We would suggest to the Government that these 1,500 and over seating capacity houses be grouped separately in a theatre taxation plan for revenue, which the Government undoubtedly is in need of, and that the smaller houses, 600 and under in capacity, be grouped and left entirely free from added taxation, unless these smaller theatres are affiliated with the Big Circuit. In such an affiliation there are again big profits for the big fellow. Tax the foreign controlled theatres, which send profits out of the country.

## "Not Guilty" is Verdict In Combine Prosecution

Mr. Justice Garrow handed down a decision of "not guilty" in the case of the Crown against fifteen film organizations and others, indicted for forming a Combine or conspiracy to restrict the Moving Picture Industry in Ontario.

His Lordship held that the evidence failed to substantiate the charges alleged.

Mr. Justice Garrow having addressed the defence counsel, a formidable array, and the Crown, stated he would hand out a detailed judgment at Osgoode Hall in a day or two.

His Lordship in his brief address made note of the fact that the Crown had contended that all of the accused were aiming at a curtailment of film supply for independent theatres, and that Famous Players Canadian Corporation received better terms and better protection than the Independents.

"My conclusion is that neither under the Combines Investigation Act nor under the Criminal Code has the Crown substantiated the onus resting upon it, of the Combine alleged. That there existed any such combine, I am unable to find, and I am unable to find there was any price fixing.

"There may have been some delays as regards independent theatres getting pictures," further stated His Lordship, "but in no case was the delay serious, nor can I find that it was to the independent owners' detriment. In no case did the independent suffer, nor was he likely to suffer to any extent. Also, it was shown that they contracted for more pictures than they could possibly pay for. Their accounts were treated leniently, if not generously, by the distributors."

His Lordship was also unable to gather from the evidence that the Film Industry was dominated by Famous Players, or their associates.

"As to Bloom and Fine of B. & F. Theatres, Toronto. Much that was said of what they had done was contradicted. I see no legal responsibility. I find I am unable to agree that the evidence proved a combine on their part."

Mr. Justice Garrow added that if Lauriente of B. C. had presented a concrete case it would have been one for British Columbia and not for hearing in an Ontario Court.

His Lordship also stated that the views of the United States courts as cited at the trial by Crown Prosecutor R. H. Greer, K.C., should not be followed by himself.

## M-G-M Latest Releases

Metro-Goldwyn-Mayer has set release dates for the following productions, "Are You Listening?" featuring William Haines, March 26th; "Wet Parade," April 2nd; April 9th, Robert Montgomery in the "Truth Game"; "Limpy" with Jackie Cooper, April 16th; April 23rd, Ramon Novarro in "Huddle"; Clark Gable and Norma Shearer in "Strange Interlude," April 30th; May 7th, "Night Court," with Walter Huston; Joan Crawford in "Letty Lynton," May 14th.

**"Lovers Courageous" made Leo roar with laughter when he saw Loew's Toronto line-up**

# The New Film on Broadway

By *Betty Ross*

"ARSENE LUPIN," a Metro-Goldwyn-Mayer production. Starring John and Lionel Barrymore. Directed by Jack Conway.

If not for the sheer delicious enjoyment derived from the story alone, I urge you to go see "Arsene Lupin" and get the treat that comes only once or twice in a lifetime, seeing two shining members of the theatre's royal family, the Barrymores, acting together. What an opportunity for histrionic comparison! If nothing else.

John as the sauve, high-hatted crook is an aristocrat par excellence, the height of glossy, respectable sophistication. Lionel is his uncouth, lumbering, but razor-brained Nemesis as Chief of Paris detectives, whose one driving ambition is to trap the sleek law-breaker. What a picture these two make of it! Arsene the handsome, the elegant, a gentleman of such taste and fastidiousness that he will steal nothing but the best of his friends' personal treasures. Fabulous gems, rare works of art, little things like that. A friend has it and presto, John excuses himself for a moment from the attentions of a fair admirer, and in that moment the treasure becomes his.

When Thief and Nemesis begin their famous duel of wits inside the sacred grounds of the Louvre, one to guard the famous Mona Lisa, the other to steal it, after it has disappeared, how angrily Monsieur the Chief bangs his umbrella upon the floor and inside it, all the while, is the stolen Mona Lisa. And when the wily detective baits Arsene's own bed with a nude living creature, in the delectable person of lovely Karen Morely, how could he know that Arsene's magnetism for the fair sex was so great that the bait would turn right around and fall in love with her intended victim?

* * * *

"NICE WOMEN," a Universal production, directed by Edwin H. Knopf and featuring Sidney Fox and Frances Dee.

An impoverished father and a greedy, ambitious mother are the complicated forces that compel two sweet young sisters, splendid opposites, as impersonated by Sidney Fox and Frances Dee, to make good matches. Frances the one in whom her mother's ambitions centre, is in love with a fine young man sympathetically played by Russell Gleason but he is only a poor clerk. Her mother violently protests, insisting that Frances marry her father's wealthy employer. This employer had become tired of his common blonde inamorata and looks favorably upon a marriage with the lovely Frances. The lamb is prepared for the slaughter when the poor but enterprising young clerk breaks up their plans with a few tricks of will and determination they had not counted on and carries off Frances for his own. Little Sidney Fox, however, whose machinations assisted the lovers, comes to the rescue of her parents and makes them happy again with no great sacrifice to herself. Her part in "Nice Women" is not particularly sympathetic but her physical charms are irresistable.

It is interesting to watch the performances of mother and son as the mother of the girls who so strongly opposes the attentions of her daughter's poor young suitor, is Mrs. Lucille Webster Gleason, *his* mother in real life. Carmel Meyers comes back to the screen as the blonde enchantress and Alan Mowbray enacts the rich employer-admirer most capably. A diverting, clever little play.

## Protest Against Theatre Tax

Theatre owners of Greater Winnipeg protested against proposed increases in license fees before the City Health and License Committee, March 4. George F. Law headed a large delegation representing the Manitoba Motion Picture Exhibitors Association.

The increases projected contemplate raising the license on theatres with a seating capacity of from 500 to 1,000 from $300 to $350; 1,000 to 1,500 seats from $400 to $500; and over 1,500 seats from $500 to $600.

Mr. Law told the committee that all theatres in Winnipeg were either losing money today or just making expenses. The introduction of talking pictures had meant an increase in cost of operation by 50 percent while business this winter had suffered a decrease of between 30 and 50 percent under last season. Winnipeg, moreover, was overseated, with 40,000 as the present theatre seating capacity.

The theatre men were not asking for reduction in licenses at this time but were merely urging the need for relief from further burdens, Mr. Law said. If the license fee was increased, theatres would be forced to cut down their staffs to make up the difference.

## Vancouver's British Film Quota Passes Second Reading

Vancouver is evidently to have a British Film Quota Bill, despite past lobbying, as revealed in the Government Investigation. A Bill to give the Government power to set a quota for the showing of British Film in the province of British Columbia passed its second reading in the legislature at Victoria.

Attorney General R. H. Pooley said, "Our hope is that we may have a Motion Picture Industry ourselves, and this Western Canadian country is as good a place to film them as any other country."

## Montreal Theatre Tax Included in Luxury Imports

The Theatre Tax in Montreal is already in operation, starting off with one playhouse, all tickets of 25 cents will be taxed 4 cents, 35 cents will be taxed 5 cents; 40 cents taxed 7 cents; 75 cents taxed 10 cents; $1.00 taxed 13 cents; $1.50 taxed 19 cents; $2.00 taxed 25 cents; $2.50 taxed 32 cents; $3.00 taxed 38 cents; $3.50 taxed 44 cents; and $4.00 taxed 50 cents. Higher priced tickets will be taxed on a basis in conformity with this scale.

Restaurants and Liquor came in for added taxation also.

## Changes in Personnel

E. C. Bostwick, managing director of the Universal theatres in Winnipeg, consisting of the Lyceum, Starland and College, announced a change in the personnel of managers. William Popham, who has been manager of the Starland Theatre for several years, has been transferred to the Lyceum; and Don Gauld has been appointed manager of the Starland, which is now undergoing extensive alterations. J. T. Fiddes remains as manager of the College Theatre.

## Douglas Gets Leading Role

Melvyn Douglas has been borrowed from Samuel Goldwyn by Metro-Goldwyn-Mayer to play the leading male role opposite Garbo in her new starring picture, "As You Desire Me."

**Academy Motion Picture Arts and Sciences gets "Conciliation Board," new name for Arbitration**